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Remarks

Claims 1-15, 17-49, and 51-59 are pending in this application. Claims 1-15, 17-49 and 51-59 are rejected. Claims 1, 25, 30 and 59 are currently amended. Claims 1-2 and 21 are rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Scharber (U.S. Pat No. 6,542,964) in view of Squire, et al. (U.S. Publ. No. 2002/0049840) and further in view of Kishi (U.S. Patent No. 6,163,773). Claims 3-5, 8-9, 17, and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Scharber and Squire and Kishi and further in view of Patel, et al. (U.S. Patent No. 7,146,524). Claims 22, 23, and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Scharber in view of Squire in view of Kishi. Claims 25 and 26 are rejected under 35 U.S.C. § 103 as being unpatentable over Scharber in view of Squire in view of Kishi. Claims 27, 28, and 29 are rejected under 35 U.S.C. § 103 as being unpatentable over Scharber in view of Squire in view of Kishi. Claims 30-33, 35-39, 42-43, 51, and 54-55 are rejected under 35 U.S.C. § 103 as being unpatentable over Patel and further in view of Kishi. Claims 40-41, 44-49 and 52-53 are rejected under 35 U.S.C. § 103 as being unpatentable over Patel in view of Suruguchi (U.S. Publ. No. 2002/0095532). Claims 24, and 56-58 are rejected under 35 U.S.C. as being unpatentable over Patel and further in view of obvious design optimization. Claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Grosner, et al. (U.S. Patent No. 7,089,293) in view of Kishi.

I. Remarks Regarding Rejection of Independent Claims 1, 25, 30, and 59

Independent claims 1, 25, 30, and 59 are all rejected under 35 U.S.C. § 103. Independent claims 1 and 25 have been rejected as being obvious over Scharber (U.S. Patent No. 6,542,964) in view of Squire et al (U.S. Pub. No. 2002/0049840) and further in view of Kishi (U.S. Patent No. 6,163,773). Independent claim 30 has been rejected as being obvious over Patel

(U.S. Patent No. 7,146,524) in view of Kishi. Independent claim 59 has been rejected as being obvious over Grosner et al (U.S. Pat. No. 7,089,293) in view of Kishi.

Applicants respectfully traverse, as the Examiner has not established a prima facie case of obviousness because the proposed modifications or combinations of the prior art references with the Kishi reference do not meet the requirement of a reasonable expectation of success. Reaching an obvious determination requires a reasonable expectation of success upon combination or modification of the references. It is well established that whether or not it would have been obvious to try a particular modification or combination is not the standard and is insufficient to establish obviousness. *Gillette Co. v. S.C. Johnson & Son, Inc.*, 919 F.2d. 720, 725 (Fed. Cir. 1990); *In re Dow Chemical Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988). Moreover, the expectation of success must come from the art just prior to the invention, and the hindsight afforded by the invention cannot be used.

The Kishi reference, which the Examiner has combined with the references cited in the previous office actions, is used to reject each of the independent claims. This reference details the use of a predictive cache management engine that evaluates cache contents and purges entries. This is accomplished by the preparation of training data by the engine in response to a trigger event, and providing this training data to a neural network, which then generates scores to rank cached datasets. (Kishi, 2:46-60) Based on this ranking, the engine chooses which datasets to purge from the cache. (Kishi, Abstract and col. 5)

With respect to independent claims 1 and 25, the Examiner states that Scharber and Squire fail to disclose an adaptive cache policy based on previous activity in the information handling system. The Examiner also states that a person of ordinary skill in the art would have readily recognized the advantages of modifying Scharber in view of Squire by using the system of Kishi in order to determine when data should be cached or not. (Office Action, p.4 and 10)

The Examiner has not provided any evidence that modifying Scharber and Squire to incorporate the invention of Kishi would be reasonably expected to succeed. The invention of Kishi requires a neural network that is provided training data (prepared by a cache engine in response to a triggering event), and this neural network provides a numerical score that may be used to rank data sets. (Kishi, 3:5-12) Kishi discusses deciding which data may *remain* in a cache, but does not teach or suggest the cache policies or protocols (such as those for load balancing or those based on network traffic) that the Examiner attributes to Scharber and Squire. (Office Action, p.2-3) Additionally, the Examiner has not shown how Scharber, as modified by Squire could be modified to incorporate the neural network of Kishi in a manner that would aid in selecting cache policies (for load balancing, as an example). Applicants respectfully submit that there is no reasonable expectation for success for the combination of Scharber, Squire, and Kishi.

With respect to independent claim 30, the Examiner states that Patel fails to disclose an adaptive cache policy based on previous activity in the information handling system. (Office Action, p.11) As stated above, the Kishi invention requires a neural network that receives training data. The Examiner has not shown how the Patel reference could be modified to incorporate a neural network providing scores for certain cached datasets. At the least, it is not clear what data in Patel could be used as training data for input to a neural network like that of Kishi. For at least this reason, the combination of Patel and Kishi is not reasonably expected to succeed.

With respect to independent claim 59, the Examiner states that Grosner fails to teach an adaptive cache policy based on previous activity in the information handling system. (Office Action, p.17) Specifically, the Examiner states that a load balancing mechanism of Grosner may shift between implementing a maximally distributed caching technique or other performance enhancing techniques within a data caching system. (Office Action, p.17)

However, Grosner fails to teach or suggest that this load balancer could provide input training data to a neural network, as required by the invention of Kishi. The Examiner has not shown exactly how the inputs or outputs of the neural network of Kishi could function with the system of Grosner. As such, Applicants respectfully submit that there is no reasonable expectation of success for the combination of Grosner and Kishi.

As amended, the independent claims 1, 25, 30, and 59 require the use tables of stored information accessible by said load monitor" wherein these tables relate "to a total number of active clients and one or more cache settings" and "are operable to form one or more templates." Kishi does not discuss the use of templates that are formed by stored information that relates to a total number of active clients and one or more cache settings. Thus, a prima facie case of obviousness has not been established with respect to independent claims 1, 25, 30, and 59. Applicants respectfully request that the rejection of these claims be withdrawn.

II. Remarks Regarding Rejection of Dependent Claims

Dependent claims 2-15, 17-24, 26-29, 31, 49, and 51-59 will not be discussed herein, as they depend from otherwise allowable base claims.

Conclusion

Applicants respectfully submit that the rejection of pending claims 1-15, 17-49, and 51-59 should be withdrawn and that these claims should be passed to issuance.

Respectfully submitted,



Roger Fulghum
Registration No. 39,678

Baker Botts L.L.P.
910 Louisiana
One Shell Plaza
Houston, Texas 77002-4995
(713) 229-1707

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